

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 23, 2004 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #04031

PROPOSAL: Waive requirement for side yards adjacent to walls with windows for dwelling units above the first floor in the B-4 Lincoln Center Business District.

LOCATION: 701 P St.

LAND AREA: 12,620 square feet, more or less.

CONCLUSION: This application meets the requirements of the zoning ordinance and comprehensive plan.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 5-10 of Block 45, Original Plat of Lincoln, located in Section 23, Township 10 North, Range 6 East, Lancaster County, Nebraska

EXISTING ZONING: B-4, Lincoln Center Business District.

EXISTING LAND USE: Mixed use commercial, upper floors vacant.

SURROUNDING LAND USE AND ZONING:

B-4 Lincoln Center Business District, including mixed use commercial, railroad station, apartments to east; I-1 Industrial (railyard) across parking lot to west.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Plan designates this area as Commercial. (F-25)

ANALYSIS:

1. This application is to allow windows for dwelling units on the upper floors of this building, including on sides without required yards.

2. The zoning code ordinarily requires no yards for buildings in the portion of the B-4 Lincoln Center Business District where this building stands, (Table 27.35.070[b]), except adjacent to walls containing windows for dwelling units (Section 27.35.0709(e). Where such yards cannot be provided (ranging from five to twenty feet in width, depending upon the height of the building), a special permit may be requested (in accord with Section 27.63.410, Permitted Special Use: Dwellings Above First Story in B-1, B-3, and B-4 Districts) under the following conditions:
 - (i) that the building existed prior to 1990;
 - (ii) that the windows are separated from other buildings or structures by an open space of at least five feet;
 - (iii) that the construction must meet all applicable codes and regulations;
 - (iv) that by accepting the special permit, the permittee agrees to vacate the dwelling units upon notification by a building official that construction on adjacent parcels will reduce the open space to less than five feet.
3. 701 P Street in Haymarket, "The Creamery Building," was constructed in 1900 (first two stories) and 1904 (top two stories). It is separated by an alley from the Burkholder Project to the east by 16 feet and by an outlot from the building to the south by more than forty feet. Historic preservation regulations will require special review of any exterior changes to the Creamery Building and this special permit should be further conditioned with a requirement that construction meet all applicable codes and regulations. If the permit is granted, the letter of acceptance will meet the notification/vacation of units requirement of 27.63.410.
4. The Comprehensive Plan calls for "a mix of land uses and residential types" in the downtown (F49). Haymarket provides approximately 100 dwelling units currently.
5. Departments reviewing this request had no objection to the special permit, but Public Works noted the parking stalls illustrated will require an easement across the adjacent outlot.

CONDITIONS:

Site Specific:

1. This approval permits the development of residential units in upper floors of the existing building at 701 P Street using windows on any or all walls.
2. The site plan is provided for purposes of illustration and does not govern parking stalls or any other matters beyond the property lines of the subject property.

General:

3. Before receiving building permits:

- 3.1 The construction plans comply with approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
- 4.1 Before occupying the dwelling units all development and construction is to comply with the approved plans.
 - 4.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings.
 - 4.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

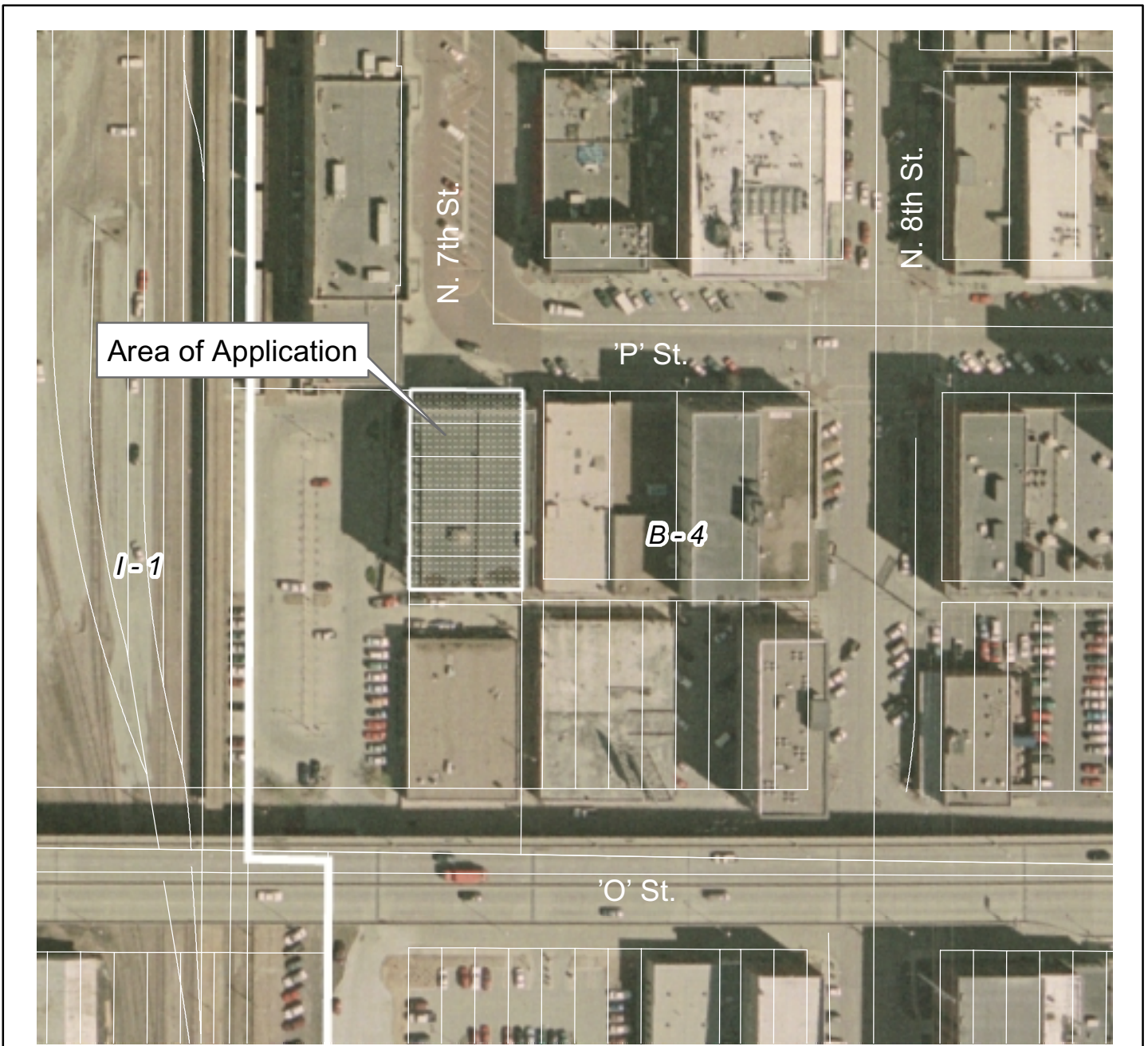
Ed Zimmer
Planner

DATE: June 10, 2004

APPLICANT: The Creamery, LLC
701 P Street
Lincoln, NE 68508
(402)476-2155

OWNER: same as applicant

CONTACT: Sheryl Alderman
701 P Street
Lincoln, NE 68508
(402)560-2547



2002 aerial

Special Permit #04031 N. 7th & P St.

Zoning:

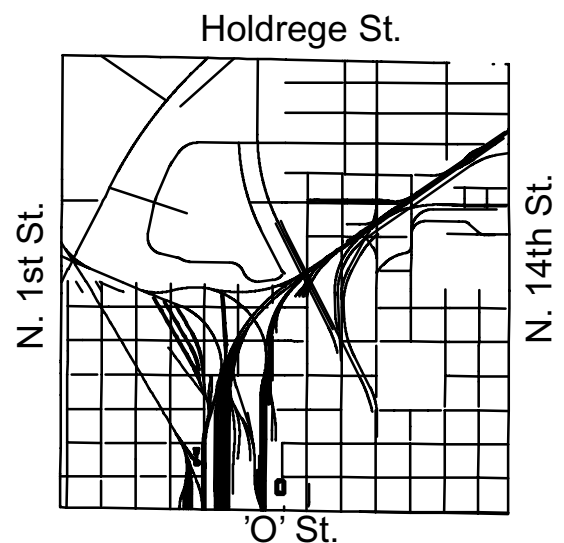
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 23 T10N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction





The Creamery, LLC

* 701 P Street
* Lincoln, NE 68508
* Office 402-476-2155
* Fax 402-476-2203

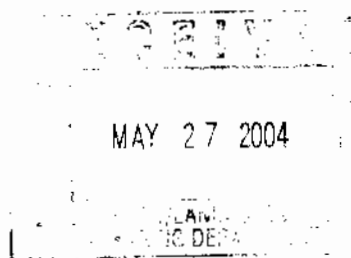
TO: The City of Lincoln

DATE: 5-24-04

The Creamery LLC will be developing the fourth floor of the Creamery Building, 701 P Street, Lincoln, Nebraska into nine residential units. The dwelling was built with no yard, so we are applying for a special permit 27.63.410. Currently there is easy access to all sides of the building.

The adjacent building owner, Ann Burkholder, (to the east of us) has been informed that we are applying for a special permit and she has no problem with this.

**Sheryl Alderman, Owner
The Creamery LLC**



IMPORTANT

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Permit # **DRF04075**

Address

Job Description: **Development Review - Fire**

Location: **CREAMERY LLC**

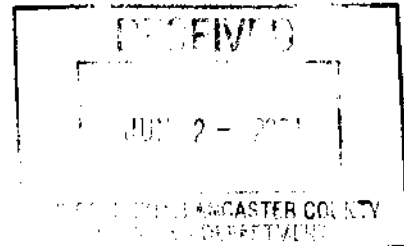
Special Permit: **Y 04031**

Preliminary Plat:

Use Permit:

CUP/PUD:

Requested By: **GREG CZAPLEWSKI**



Status of Review: **Approved**

06/02/2004 9:06:58 AM

Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE**

BOB FIEDLER

Comments: **approved**

Current Codes in Use Relating to Construction Development in the City of Lincoln:

2000 International Building Code and Local Amendments
2000 International Residential Code and Local Amendments
1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
1989 Fair Housing Act As Amended Effective March 12, 1989
1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
1989 National Electrical Code and Local Amendments
1997 Uniform Mechanical Code and Local Amendments
1994 Lincoln Gas Code
1994 NFPA 101 Life Safety Code
2000 Uniform Fire Code and Local Amendments
Applicable NFPA National Fire Code Standards



Gregory S Czaplowski

06/04/2004 12:15 PM

To: Edward Zimmer/Notes@Notes
cc:
Subject: Creamery LLC

----- Forwarded by Gregory S Czaplowski/Notes on 06/04/2004 12:16 PM -----

Richard J Furasek

06/04/2004 12:10 PM

To: Gregory S Czaplowski/Notes@Notes
cc:
Subject: Creamery LLC

Upon review of Special Permit # 04031, we have no objections from the perspective of our department.

Richard J. Furasek
Assistant Chief Operations
Lincoln Fire & Rescue
1801 Q Street
Lincoln Ne. 68508
Office 402-441-8354
Fax 402-441-8292

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Greg Czaplewski

DATE: June 7, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File
EH Administration

SUBJECT: Creamery LLC
SP #04031

The Lincoln-Lancaster County Health Department has reviewed the special permit application and does not object to the approval of this application.



MICHAEL WOOLMAN
<lpd737@CJIS.CI.LINC
OLN.NE.US>

05/31/2004 07:50 AM

To: Greg Czaplewski <Gczaplewski@ci.lincoln.ne.us>
cc:
Subject: Creamery LLC

Mr. Czaplewski,

The Lincoln Police Department does not object to the Creamery LLC SP# 04031.

Sergeant Michael Woolman
Lincoln Police Department

Memorandum

To:	Greg Czaplewski, Planning Department
From:	Charles W. Baker, Public Works and Utilities
Subject:	Special Permit #04031, Creamery LLC Parking
Date:	June 2, 2004
cc:	Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site plan for the proposed parking south of the Creamery located at 701 "P" Street. Public Works has the following comments:

- The access to the area that the proposed parking is located is on Outlot A Lincoln Station which is 12' wide, owned by Orloff Realty Company. The remaining area between the outlot and the building to the south is also listed as owned by Orloff Realty. I cannot find an access easement over this outlot or Orloff's property that will allow the Creamery to use this area as a drive aisle.
- Public Works cannot recommend approval of this parking lot addition without further information of property ownerships or access easements. Additional detail will also be required as to traffic flows through this areaway and existing parking that shows on the aerial view of this location.